IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE
WRIT PETITION NO. 8484 OF 2004

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.

Court's or Judge's orders

Mr. R.S. Apte with Mr. M.V. Limaye for Petitioner.

Mr. G. Misquitta with Ms. Leena Patil for Respondent Nos. 1 to 6.

Mr. G.D. Utangale for Respondent No. 7.

Mr. A.A. Kumbhakoni for Respondent No.8.

CORAM : F.I. REBELLO,J.
DATED : JANUARY 13, 2005

P.C.

. The Petition is by some members of Respondent No. 1. They have made a complaint that though there was S.R.A. Scheme on account of non action or inaction of Respondent No. 1 that scheme could not be proceeded with. As the Managing Committee had failed to discharge its duties they moved for appointment of an administrator to the society. The Administrator came to be appointed. Being aggrieved by the order appointing administrator, members of the Managing Committee preferred an appeal.That appeal came to be allowed and the appointment of the administrator was set aside. It is

this order which is subject matter of the present controversy.

. Apart from the challenge to the order, real controversy or dispute seems to be failure to implement the scheme. Grievance of the petitioner is that inspite of the consent terms filed in this court, the members of Respondent No. 1 are not shifting to the transit accommodation and consequent thereto the scheme could not be implemented. The contention of the Respondent No. 1 is that they have terminated the contract with the builder and have already so intimated to the competent authority under the Slums Act.

. The impugned order setting aside the appointment of administrator, really speaking does not suffer from any error of law apparent on the fact of the record which can result in this court invoking its extra ordinary jurisdiction. However, in the larger interest and considering that slums scheme is for the benefit of those not residing in tenantable accommodation, interest of justice would require that some direction be issued so that the scheme can be implemented at the earliest.

(1) Respondent No. 1 within one week from today to file copies of the applications already filed by them before the competent authority under the Slums Act in the matter of termination of contract with the builder.

(2) The competent authority thereafter after hearing the parties involved dispose of the said application within the period of two weeks thereafter to decide the controversy and take suitable steps so that slum scheme is proceeded with.

(3) If any of the persons who are parties to the consent terms and for the purpose of carrying on with rehabilitation do not vacate the premises, then to take steps in law to get the area vacated for the purpose of putting up the construction as per the scheme.

. With the above observations, petition stands disposed of. No order as to costs.

(F.I. REBELLO,J.)